

STATEWIDE TERM CONTRACT

MALATHION ULV CONCENTRATE 96.5% PURITY

CONTRACTOR: CHEMINOVA, INC.
1 Park Drive Suite 150
Research Triangle Park, NC 27709

F.E.I.N. NO.: 22-2786071

CONTACT: Wendy DeCorah

TELEPHONE NO.: (877) 250-6507

24 HOUR EMERGENCY NOS: MEDICAL – (866) 303-6950
OTHER EMERGENCIES – (800) 424-9300
(EMERGENCIES ONLY, NO ORDERS)

CONTRACT NO.: 4400002500

EFFECTIVE DATE: JUNE 9, 2010

EXPIRATION DATE: JUNE 8, 2015

FIVE (5) GALLON PAIL\$241.60
FIFTY-FIVE (55) GALLON RETURNABLE BLUE POLY DRUM.....\$2,510.20
TWO HUNDRED AND SIXTY (260) GALLON RETURNABLE TOTE.....\$11,156.60

DELIVERY DATE -- 15 DAYS ARO

All items shall be delivered no later than fifteen days after contractor's receipt of the purchase order. In the event an emergency order is required, delivery must be made to a designated delivery point within twenty-four (24) hours of request. If the using governmental unit requests delivery sooner than fifteen days, contractor may invoice the ordering entity any additional shipping charges approved by the ordering entity on the purchase order.

SEND PURCHASE ORDERS: ADAPCO
550 Aero Lane
SANFORD, FL 32771-6342
Fax: (866) 330-9888
Phone: (800) 367-0659

Or Email: orders@myadapco.com

BILLING/RECORD KEEPING

The contractor will be responsible for all billing and record keeping associated with the sale of pesticides to purchasing authorities covered by this contract.

CONTAINERS

The contractor must ship all orders for Malathion in 5 gallon pails, 55 gallon returnable poly drums, or 260 gallon returnable totes. Containers must be suitable for long-term storage of Malathion. The containers may be returnable, recyclable or of materials that can be properly disposed of according to South Carolina Law as agreed upon annually. The contractor shall be responsible for the development and implementation of a system to provide for the return of the empty 55 gallon returnable poly drums and totes if applicable, to the product manufacturer from the individual purchasers. All pails, drums, and totes must be appropriately labeled to indicate both active and inert ingredients contained in each drum or pail. Label must also specify for ground and aerial ULV application for mosquito control. 20 MPH ground ULV application labeling shall be supplied.

FEDERAL REGULATIONS

The contractor must comply with current EPA and Federal Insecticide Fungicide Rodenticide Act requirements and specifications.

INSPECTION RIGHTS

The State reserves the right to inspect any or all pesticide delivered under this contract for the purpose of analysis/evaluation. Samples from Malathion shipped into South Carolina in the fulfillment of this contract will be taken for analysis by Clemson University's Department of Pesticide Regulation. It will be the responsibility of the contractor to pick up any Malathion delivered that does not meet contractual requirements, Malathion ULV concentrate-active ingredient 96.5% technical grade, within 30 days of notice. Government entities purchasing from the state contract can request sampling. If results are unsatisfactory, the contractor will be notified to remove the product at a specific time and at the contractor's expense.

LABELING

Labels and labeling must comply with all applicable State and Federal Laws and regulations, which regulate the sale, distribution, handling and/or transportation, storage, disposal and use of pesticides within the State of South Carolina. An identifying lot number must be indicated on each drum or container.

PURCHASING CARD

Contractor agrees to accept payment by the South Carolina Purchasing Card for no extra charge. The Purchasing Card is issued by Visa. The purchasing card allows state agencies to make authorized purchases from a vendor without the requirement to issue a purchase order. [07-7B200-1]

SHIPPING / RISK OF LOSS

F.O.B. Destination. Destination is the shipping dock of the Using Governmental Units' designated receiving site, or other location, as specified herein. (See Delivery clause)

STATE REGULATIONS

All pesticides offered for sale in the State of South Carolina must comply with the S. C. Pesticide Control Act, Title 46, Section 46-13-10 of the South Carolina Code of Laws (1976). Registration shall be in accordance with Title 46, Section 46-13-30 and any subsequent regulations, which may be applicable.

TECHNICAL ASSISTANCE

The contractor will furnish technical assistance or service in the handling, transport, storage, spill clean-up information, general and specific information requests, container decontamination procedures and instructions and the proper application of malathion for public health purposes upon request to purchasers of the product. Such services shall be available within 2 to 3 hours following telephone request and without additional cost to the using agency. On-site responses will be arranged, if needed. On-site response is expected within forty-eight (48) hours.

In the event of a major pesticide related accident and/or other disaster associated with this product, the manufacturer must provide full assistance, if requested by any agency, to help minimize the impact of disaster by providing technical on-site assistance. Telephone response to request for technical assistance must be within 2 to 3 hours of contact by emergency call number, and on-site responses must be made within 10 (10) hours of initial contact. The cost of these services will be at the expense of the successful contractor.

TRAINING

The contractor agrees to provide, at its expense, training and safety materials and training support services in the use and application of the Malathion product. Materials and training provided shall meet the approved needs of the ultimate users as specified by DHEC. Such materials and sessions must address scientifically sound mosquito control, safety practices and proper application techniques as well as environmental or wildlife impacts created by pesticides (Malathion) used in mosquito control. DHEC and DHEC alone will determine the contractor's compliance with the training requirements.

In addition, the training sessions should include information on bulk vs. barrel storage systems, any pertinent DOT regulations and available vendor services and materials not specified in the contract.

Technical training sessions are to be provided twice annually by the manufacturer at no charge. The South Carolina Department of Health and Environmental Control will coordinate a mutually agreeable location and time for these sessions. Sessions will be designed for agency staff members and product users.

Link to Solicitation and Award

<http://webprod.cio.sc.gov/SCSolicitationWeb/contractSearch.do?solicitnumber=5400001834>